

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**CIVIL ACTION NO.:**

**IN ADMIRALTY**

**CHM MARITIME SAPI de CV,  
Plaintiff**

**VS.**

**MICOPERI, SrL.,  
Defendant**

**COMPLAINT TO CONFIRM ARBITRATION AWARD**

Now comes the Plaintiff, CHM Maritime SAPI de CV (“CHM”), in the Above entitled action, by and through its counsel, Clinton & Muzyka, PC, and files its Complaint to Confirm Arbitration Award.

**INTRODUCTION AND JURISDICTION**

1. This is a Petition to Confirm an Arbitration Award and Final Award issued by the Maritime Arbitration Administration dated March 9, 2015 and August 5, 2015 respectively in favor of the Plaintiff, CHM Maritime SAPI de CV (“CHM”) and against the Defendant, Micoperi, S.r.l. (“Micoperi”). The Award and Final Award are attached hereto as Exhibits “A” and “B” respectively.
2. Jurisdiction is based on Admiralty and Maritime jurisdiction within the meaning of Fed.R.Civ.P. 9(h) and 28 U.S.C. § 1333. Jurisdiction is further based on federal law pursuant to 28 U.S.C. § 1331, specifically the Convention on the Recognition and Enforcement of Foreign Arbitral

Awards, 9 U.S.C. § 201 et seq., and the Federal Arbitration Act, 9 U.S.C. § 1, et seq.

**PARTIES**

3. CHM is a Mexican entity duly organized and existing under the laws of the United Mexican States and has a principal place of business located in Mexico City, Mexico.
4. On information and belief, Micoperi is an Italian entity which is organized under the laws of the Italian Republic, and has a place of business located in Mexico City, Mexico.

**CHARTER PARTIES, ARBITRATION AND AWARD**

5. CHM and Micoperi are parties to four [4] written, charter parties, whereby Micoperi agreed to charter four [4] of CHM's vessels in exchange for the payment of hire and other related expenses. The Charter Parties and the corresponding vessels are set forth as follows:
  - a. M/V ATLAS dated March 18, 2013, attached hereto as Exhibit C.
  - b. M/V OCEAN TOWER dated March 19, 2013, attached hereto as Exhibit D.
  - c. M/V MARINA POLARIS dated June 14, 2013, attached hereto as Exhibit E; and
  - d. JMC-2508 dated June 14, 2013, attached hereto as Exhibit F.
6. Each Charter Party calls for the Arbitration of any disputes arising thereunder before the Maritime Arbitration Association of the United States (the "MAA") in Boston, Massachusetts. *See Exhibits C-F.*

7. Micoperi did not fully pay the Charter Hire and related expenses as owed and CHM initiated an Arbitration Claim before the MAA on July 15, 2014.
8. On March 9, 2015, the Arbitrator issued an award in favor of CHM and against Micoperi in the amount of US\$ 2,740,705.92 together with interest “which shall continue to accrue at the daily rate of [US]\$ 1,044.18.” Exhibit A.
9. On August 5, 2015, the Arbitrator issued a Final Award in favor of CHM and against Micoperi. The Final Award confirms the March 9, 2014 Award and provides an additional award in the amount of US\$358,876.12 together with interest “at \$147.94 per day.” Exhibit B.

**COUNT I: CONFIRMATION OF ARBITRATION AWARD**

10. CHM reiterates and reaffirms the allegations contained in Paragraphs 1-9 inclusive and incorporates same as if fully set forth herein.
11. CHM is entitled to confirmation of the Award and the Final Award pursuant to 9 U.S.C. §§ 9 and 207.
12. CHM files herewith an Application to Confirm Arbitration Award and Supporting Memorandum.

WHEREFORE, CHM respectfully prays that this Honorable Court enter judgment confirming the Arbitration Award and Final Award in favor of CHM and against Micoperi as follows:

- (a) By Award dated March 9, 2015, award CHM the sum of US\$ 2,740,705.92 in principal and interest, plus post award interest accruing from that date at US\$ 1,044.18 per day;

- (b) By Final Award dated August 5, 2015, award CHM the additional sum of  
US\$ 300,000.00 principal, plus interest of US\$ 58,876.12 plus post award  
interest accruing from that date at US\$ 147.94 per day; and
- (c) Any such further relief this Honorable Court deems just and proper.

Respectfully submitted,  
Plaintiff,  
CHM Maritime SAPI, de CV

By its attorney:  
**CLINTON & MUZYKA, P.C.**

/s/“*Thomas J. Muzyka*”  
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Dated: August 6, 2015